



DĀD NASK

DĀD NASK (law book), one of the three divisions of the [Avesta](#), comprising seven *nasks*, subdivided into the five strictly legal (*dādīg*) *nasks* (*Nikātum*, *Duzd-sar-nizad*, *Huspāram*, *Sakātum*, and *Vidēvdād*) and the two disparate *nasks*, *Čīhrdād* and *Bagān Yašt* (*Dēnkard*, ed. Madan, II, p. 678; West, p. 7). The original Avestan texts of these *nasks* are lost, except for those of the *Nīrangestān* and *Hērbedestān* (both sections of the *Huspāram*) and the complete text of the *Vidēvdād*; Pahlavi commentaries giving a summary of their contents are preserved in the *Dēnkard* (bk. 8), however. The tripartite division of the Avesta into *Gāhānīg* (Gathic *nasks*), *Hada Mānsrīg* (formulas connected with the ritual), and *Dādīg* (legal *nasks*), each of seven *nasks*, was dictated by the twenty-one words of the most holy prayer, *Ahunwar*, and the three metrical lines (*gāh*) of the Gathic stanzas. It is evident that in such a forced classification the contents could not be strictly subsumed, as is admitted in the *Dēnkard* (bk. 8): “in all three divisions all three are found . . . in the *Dād* (legal) are the *Gāhānīg* (i.e., *Bagān Yašt*) and *Hada Mānsrīg* (i.e., *Čīhrdād*).” In the *Wizīdagīhā ī Zādspram*, in treating the three divisions of the Avesta, another subdivision for the *dādīg* was put forward: “One is the *Dād* of the *Jud-dēw*, that is the *Vidēvdād*, and one the *Dād* of Zardušt, that is the other *Dād* (the other *dādīg nasks*)” (*Zādspram*, p. 100).

A comparison of the Middle Persian commentaries on extant Avestan texts with the translations of the lost *nasks* brought together in the *Dēnkard* strongly suggests that the latter are partly elaborations and partly brief notes on the original commentaries. Although the Pahlavi renderings of such abstruse



Avestan texts as the Gathas have suffered from inaccuracies and misapprehensions resulting from inadequate knowledge of the Avesta among the Sasanian clergy, there is no evidence of such shortcomings in the Middle Persian translations of the legal *nasks*, the juridical significance of which must have been common knowledge among the Zoroastrian judiciary through uninterrupted tradition. The fact that these commentaries generally lack a logical thematic sequence and are casually grouped in miscellaneous collections of irrelevant exegesis, occasionally involving late sentences, gives rise to suspicion that the *Dēnkard* provides an incomplete record of the Sasanian archetype. Nevertheless, defective as they may be, these *nasks* constitute the unique remnants of ancient Zoroastrian civil and penal legislation. They were treated in great detail clearly because of their continuing practical value in everyday life. It is noteworthy that the Avestan civil code remained in use unchanged by the Sasanians, whereas the old harsh penal law, preserved in the *Dēnkard*, was mitigated during the Sasanian period (see [dād](#); *The Letter of Tansar*, tr., p. 43).

The style of book 8 of the *Dēnkard* is generally crude, abstruse, terse, and learned, problems aggravated by the poor manuscript tradition with abundant corruptions. E. W. West provided an English translation, which, despite frequent misunderstandings, is still quite useful, especially as a reference book. West treated the subdivisions (*brīnag*) of the first four legal *nasks* as chapters in sequence, a scheme reflected in the following summary. Although these *nasks* are too detailed, extensive, and varied to be summarized adequately, the main themes will be briefly noted.

Nikātum Nask (30 chaps.; 54 in the *Persian Rivayats*; *Dēnkard*, ed. Madan, II, p. 693; West, p. 35). The thirty chapters are divided into five numbered sections: 1. “Arbitration of disputes” (*paykār radestān*), concerning grievances (*sēj*) and offenses and unjust assault and injury, and advice to refrain from them. 2. “Assault code” (*zaxmestān*; *Dēnkard*, ed. Madan, II, p. 695; West, p. 39), concerning assault (*zaxm*) and such consequences as pain, blood, and unconsciousness (seven symptoms enumerated), with definition of the offenses involved. 3. “Wound code” (*rēšestān*; *Dēnkard*, ed. Madan, II, p. 697; West, p. 41), concerning the infliction of various physical injuries, all called wounds (*rēš*), for example, cutting, tearing, cleaving, tearing out (*frāz rūdan*), stabbing, trampling, and breaking. 4. “Accuser’s code” (*hamēmālestān*; *Dēnkard*, ed. Madan, II, p. 698; West, p. 43), concerning true and false accusations of witchcraft, theft, robbery, willful murder, and other known



crimes, followed by an extensive passage on various family and private laws. 5. Untitled (*Dēnkard*, ed. Madan, II, p. 705; West, p. 53), concerning the following topics: Vengeful attacks with weapons, with enumeration of the kinds and circumstances of such assaults; needlessness for litigation when the witness and judge are *mowbedānmowbed*; trial by ordeal (*war*); various kinds of ordeal and the protection of the affected limbs; evidence given by women; principles for ruling from the Avesta and Zand; man-made laws; giving a daughter in marriage; the illegality of swapping women; marriage age (fifteen years); refusing to give evidence before an unjust judge; kinds of alms; application of punishment to limbs; keeping and breaking promises; the sins of discord; condemnation of confessed thieves; advocacy (*jādaggōwīh*) of a judge; denial after confession; wasting semen; and the guilt of accomplices.

Duzd-sar-nizad Nask (18 chaps.; 65 in the *Persian Rivāyats*; *Dēnkard*, ed. Madan, II, p. 721; West, p. 74), consisting of seven unnumbered sections. The first section comprises material on thieves captured with stolen property (*mādag*); their punishment, imprisonment, and cautery; suitable places for branding; kinds of theft; and the difference between a thief and a robber. The second, “Miscellany” (*āmēxtag*; *Dēnkard*, ed. Madan, II, p. 722; West, p. 77), concerns a father’s implication in his major son’s offense and the implication of other adult members of the family; the time and mode of teaching minors; the time when a sin accrues to a minor’s stock (*ō bun būdan*); prevention of slaughter and destruction of the world; the sinfulness of giving weapons to women and children; the merits and demerits of judges and witnesses. A third, “Shepherd’s dog code” (*pasuśhōrwestān*; *Dēnkard*, ed. Madan, II, p. 725; West, p. 81), concerns the duties of the dog and the shepherd, including care of sick and wounded sheep, and the dog’s right to kill and eat a sheep if left unfed. A fourth, “Draft-animal code” (*stōrestān*; *Dēnkard*, ed. Madan, II, p. 728; West, p. 84), concerns the sin of unlawfully beating and wounding draft animals and cattle or stupefying (*gung*) the shepherd’s dog. A fifth, “Value code” (*arzystān*; *Dēnkard*, ed. Madan, II, p. 729; West, p. 86), concerns the value of animate and inanimate property. A sixth, “Warrior code” (*artēštārestān*; *Dēnkard*, ed. Madan, II, p. 729; West, p. 86), includes material on the merit of destroying enemies; daily provisions for warriors and their beasts of burden; military clothing, armor, ranks, organization, and other aspects; precautions before battle and everything pertaining to them during and after the battle; and care of the wounded and rewards for men of distinction. A seventh section, “Miscellany” (*āmēxtag*; *Dēnkard*, ed. Madan, II, p. 732; West, p. 90), contains strictures related to the bathhouse (*garmābag*); guarding fire left on the road



and preventing infidels and children from handling it; grooming horses; wearing garments; winter supplies accumulated in summer; the fellowship (*hamīh*) of Zoroastrians in eliminating want; and modes of private and common ownership (*xwēših ī wāspuhragānīg ud ān ī amaragānīg*).

Huspāram Nask (30 chaps.; 60 in the *Persian Rivayats*), consisting of unnumbered sections. A first, “Priestly school code” (*hērbdestān*; *Dēnkard*, ed. Madan, II, p. 734; West, p. 92), is concerned with learning under a *hērb*, consisting at least of recitation (i.e., study) of the holy wisdom. A section entitled “Incantation code” (*Nīrangestān*; *Dēnkard*, ed. Madan, II, p. 735; West, p. 94) concerns obligatory elements in recitation. In this section the Avestan texts of both the *Nīrangestān* and *Hērbdestān*, which are essentially liturgical texts for the priests but also comprise certain aspects of family law, have survived, along with the Middle Persian commentaries. Folios 1-27 (the first eighteen fragments) of the *Nīrangestān* (ed. P. S. Sanjana, Bombay, 1894) contain the incomplete text of the *Hērbdestān*. The *Nīrangestān* proper thus actually opens on folio 27. A third section of *Huspāram*, “Transaction code” (*guhārīgēstān*, *Dēnkard*, ed. Madan, II, p. 737; West, p. 97), covers kinds of lawful transactions necessary for the prosperity of all men; the measure of profit and a moderate life; buying and selling; selling cattle and slaves. A fourth, “Miscellany” (*āmēxtag*; *Dēnkard*, ed. Madan, II, p. 738; West, p. 99), concerns situations in which property is unlawfully taken; limits to generosity; duties of a legitimate (*pādixšāyihā*) wife; intercourse with married or non-Zoroastrian women or with those who are unfit for intercourse; just and unjust judges and judgments; and agriculture. In the *Wizīdagihā ī Zādspram* (*Zādspram*, p. 101) a section on an “agriculturists’ code” (*jordākārestān*) is mentioned, but it is missing in manuscript B of the *Dēnkard*. As the subject is briefly treated in this miscellaneous section, the agriculturists’ code seems to be part of this *nask*. A fifth section (*Dēnkard*, ed. Madan, II, p. 743; West, p. 105) concerns the rite of ordeal and the modes of consequent acquittal or indictment. A sixth (*Dēnkard*, ed. Madan, II, p. 743; West, p. 105) concerns modes of leashing beasts of burden, cattle, or mad dogs and the offenses involved, as well as the care and healing of sick dogs. Another section entitled “Miscellany” (*āmēxtag*; *Dēnkard*, ed. Madan, II, p. 743; West, p. 106) contains strictures on lawfully amassing property; giving a daughter in marriage; mercenaries in the Persian army; the five best and five worst deeds; five grave sins and three for which atonement is difficult. In an eighth section (*Dēnkard*, ed. Madan, II, p. 746; West, p. 109) there is material on obtaining a son and the manner of intercourse leading to it; signs indicating the maleness of the fetus;



childbirth; and homosexuality. A ninth (*Dēnkard*, ed. Madan, II, p. 748; West, p. 112) concerns preferable kinds of ownership; litigation and judgment; the incomes of cocombatants; appropriation of the property of foreigners by Persians; family guardianship; the incomes of wives and minors; giving a daughter in marriage; begetting children; *stūrīh* (see *čakar*), its appropriateness, and offenses involved; adopted sons; and inheritance of absolute ownership through default of relatives (*axwēšīh*). Finally, there is a section (*Dēnkard*, ed. Madan, II, p. 749; West, p. 114) on the daily bread for an adult, for a pregnant woman, for a barren (*starwan*) woman, for a minor, for a shepherd's dog, for a village dog, and for a bloodhound; kinds of fellowship (*hamīh*) between masters and common people and between a *rad* (teacher) and a pupil (*radunay*); the worthiness of healing; the merits of good physicians; offenses, physicians' fees, and other questions related to medical practice; the merits of teaching by teacher-priests (*rads*); and damage caused by non-Persians at the Persian frontier.

Sakātum Nask (30 sections; 52 according to *Persian Rivayats*), consisting of five sections. A first (*Dēnkard*, ed. Madan, II, p. 754; West, p. 121) deals chiefly with personal, social, and public affairs, for example, cases involving newborn children; precautions against sharp instruments; the time for hairdressing; trades and locations of artisans; horse paths through the city; behavior of an army in panic; construction of a farmhouse; unlawful stabling of horses; kinds of canals and fords; the sin of eating on the road; medical herbs; participation of idolators in the *myazd* ceremony; and the sin of speaking foul words to married women. A second section is entitled "Lost property code" (*apē-dagānestān*; *Dēnkard*, ed. Madan, II, p. 762; West, p. 131; tr. in MacKenzie). A third, "Fertile cattle code" (*zihānag-/zāyēnagēstān*; *Dēnkard*, ed. Madan, II, p. 766; West, p. 136), concerns live and dead cattle; legal seeking, giving, accepting, returning; and protection and care. A section entitled "Increase code" (*waxšestān*; *Dēnkard*, ed. Madan, II, p. 767; West, p. 138) encompasses augmentation of interest; liquidation of debt; repayment; delivery; consignments; postponing payment with or without time limits; regular and irregular rates of interest; the season for mating draft animals and cattle; milking cattle; shearing camels and their lawful work; prices and compound interest (*waxšān waxš*); the penalty for withholding sustenance; complaint and defense in connection with debt and interest; prohibited food; increasing corn, lambs, and sheep's milk and wool; the produce of cultivated and uncultivated land; and profits from gold and silver ornaments. A fifth section, "Ordeal code" (*warestān*; *Dēnkard*, ed. Madan, II, p. 771; West, p. 144), is concerned with



evidence for sorcery; sickening by magic; lawful and unlawful killing by a magician; acquittal or indictment by ordeal; modes of applying ordeals; and warm and cold ordeals. Finally, in a section entitled “Miscellany” (*āmēxtag*; *Dēnkard*, ed. Madan, II, p. 772; West, p. 145) there is material on hiring and remunerating a coreligionist or foreign assistant; confession in one, two, or three statements; proficiency and offenses of judges; marriage of a daughter without a father or next of kin; the father’s authority in making allotments; a son’s irreverence for his father; the sin of an adopted son in renouncing his commitment; revertible (*rād*) and irrevertible grants (**HDYY*); sins that will be forgiven; four grave forms of idolatry; sins of polluting water or fire by dead matter; three kinds of righteous people; Ohrmazd’s creation of animals through the uniquely created ox; the danger to the world through greed; and shunning worship of the evil spirit.

Juddēwdād Nask (*Dēnkard*, ed. Madan, II, p. 777; West, p. 152), or *Vidēvdād* (Av. *Vīdāēvadāta*-), signifies “Law of abjuration of (false) gods” or “breaking off with the demons” (Benveniste, p. 42). It is a priestly code of twenty-two chapters (*fragards*), the greater part of which concern purity laws (chaps. 5-12). Chapter 4, however, treats the oldest Zoroastrian civil and penal legislation, the laws of contract and assault (tr. Darmesteter, SBE IV, 1880).

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